

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ANTHONY R. MEINEKE,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ALAN FINNAN Former Superintendent,)	
JACK BINION Facility Head/Designee,)	
CHARLES A. PENFOLD Final)	No. 1:11-cv-01624-TWP-DKL
Reviewing Authority, sued in their)	
individual and official capacities,)	
CHARLES FOX Disciplinary Hearing)	
Board Chairman, BRUCE LEMMON)	
sued in his official capacity, KEITH)	
BUTTS Superintendent,)	
)	
Defendants.)	

Order Denying Motion to Strike Amended Answer

The motion to strike the amended answer filed by the State defendants on December 15, 2012, has been considered. Although the thrust of the motion to strike is legitimate, the motion to strike [Dkt. 36] is **denied**. The plaintiff may explore the factual bases for the affirmative defenses through what is known as “contention interrogatories.”

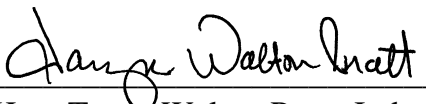
“[C]ontention interrogatories” refers to several types of questions. They may ask another party to indicate what it contends, to state all the facts on which it bases its contentions, to state all the evidence on which it bases its contentions, or to explain how the law applies to the facts. They are distinct from interrogatories that request identification of witnesses or documents that bear on the allegations.

McCarthy v. Paine Webber Group, Inc., 168 F.R.D. 448, 450 (D.Conn. 1996) (citing *In re Convergent Technologies Securities Lit.*, 108 F.R.D. 328, 332–333 (N.D.Ca.

1985)); *see also R. Braun Medical, Inc. V. Abbott Laboratories*, 155 F.R.D. 525, 527 (E.D.Pa. 1994) (defining contention discovery as, *inter alia*, that which asks a party to “state all the facts upon which it bases a contention”); *Leotta v. Firestone Tire and Rubber*, 1989 WL 51797, at *2–3 (E.D.Pa. May 12, 1989)(explaining “contention interrogatories” embrace questions asking whether a party makes some specified contention, or asking a party to state all the facts or evidence on which it bases some specified contention).

IT IS SO ORDERED.

Date: 01/03/2013



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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